

REMARKS

This Response is submitted in reply to the Office Action dated November 7, 2008, and in accordance with the telephone interview courteously granted to Applicant's representative on January 21, 2009. Claims 1 to 25 are pending. Claims 1, 2, 4, 10, and 14 to 25 have been amended. No new matter is introduced by these amendments. Please charge Deposit Account No. 02-1818 to cover the cost of any fees due in connection with this Response.

The Office Action rejected Claims 1 to 5, 11 to 14, 16, and 21 to 24 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,168,523 to Piechowiak ("Piechowiak") in view of U.S. Patent No. 5,851,148 to Brune ("Brune").

Applicant respectfully disagrees with these rejections. Additionally, Applicant has amended certain of the claims for clarification purposes. If the Examiner would like to discuss further clarifications to the claims, Applicant respectfully requests that the Examiner contact the undersigned.

As discussed during the interview, Piechowiak discloses a gaming system which includes a plurality of linked gaming machines connected to a common controller. In one embodiment, the gaming system is associated with a bonus feature where the generation of combinations of bonus symbols (i.e., bonus hits) causes the controller to build up a pooled bonus value based upon the values of the combinations of bonus symbols generated by the linked gaming devices. When a player playing at one of the linked gaming devices obtains a bonus hit which causes the pooled bonus value to meet or exceed a predetermined threshold value, a bonus award is provided to the player who caused the threshold value to be exceeded.

Brune discloses a video poker game, which includes a feature that provides an incentive for multiple hand or multiple game play. Brune discloses a bonus meter which displays the amount of a bonus award. The amount displayed in the bonus meter grows based on wagers placed. Specifically, after each wager is placed, the amount of the bonus award is incremented by a predetermined percentage of the total wager amount placed (Fig. 2, element 214). For example, if a \$5.00 wager is placed, the bonus meter of Brune increases by 25 cents, which is 5% of the total \$5.00 wager placed (Col. 3, lines 1 to 8). The gaming device includes a panel display having a

plurality of panels. When all of the panels of the panel display are illuminated, the player wins the amount displayed in the bonus meter. In this manner, the panel display tracks the player's progress toward winning the bonus award. The panel display changes during the game based on the outcome of each hand. More particularly, the panel display changes based on how many cards in any given hand are necessary cards (i.e., cards that make up the winning combination in the hand).

The Office Action acknowledges that Piechowiak does not disclose that, each time a change of the meter occurs during the bonus game, the change is based on the second component of the wager in the base game. The Office Action relies on Brune for its teaching of using a wagering component (i.e., the amount wagered) to affect the amount of change of a bonus meter. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of invention to combine the bonus game and bonus meter of Piechowiak with Brune's disclosed method of changing the meter based on a second wagering component, as Piechowiak states that any criteria may be used in determining when to award a bonus (Col. 4; lines 57 to 59).

The Office Action's reliance on the statement at Column 4, lines 57 to 59, of Piechowiak appears to be misplaced. This portion of Piechowiak's disclosure states that "the feature award criteria may embody various conditions." As discussed during the interview, Piechowiak does disclose several different conditions which may be employed to determine when to award the bonus to a player. For example, in one embodiment, the condition is an accumulated bonus pool meeting or exceeding a designated level. In another example embodiment, the condition is obtaining a bonus hit which causes a twelfth indicator on a common bonus counter to become illuminated (Fig. 6). In another example embodiment, the condition is illuminating an entire row of squares in a matrix displayed on a common bonus counter (Fig. 8). In these embodiments, when a player playing at one of the linked gaming devices completes the specified condition (or causes the condition to be completed), the gaming system provides the bonus award to that player. Each time a bonus hit occurs at one of the gaming devices, the condition becomes one step closer to being completed. In the embodiment of Fig. 8, for example, obtaining a bonus hit causes one square of the matrix to be illuminated (Col. 10, lines 8 to 10). Thus, while it is true that Piechowiak

discloses a variety of conditions for determining when to provide the bonus award, Piechowiak does not suggest that various methods for changing or incrementing the bonus counter or meter may be employed.

Accordingly, Piechowiak provides no reason for combining the cited references in the manner proposed by the Office Action. Applicant respectfully submits that, for this reason alone, the obviousness rejections based on the combination of Piechowiak and Brune is improper.

Moreover, regardless of whether it would have been obvious to modify Piechowiak in the manner proposed by the Office Action, the gaming device resulting from the combination of Piechowiak and Brune does not achieve the gaming device of amended independent Claim 1. More specifically, Piechowiak and Brune, either alone or in combination, do not disclose a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to, if the player selects at least a threshold amount for the first component of the wager for the play of the base game and the displayed outcome for the play of the base game includes a designated outcome, trigger a bonus game associated with a meter displayed in the bonus game, the meter being changeable after the bonus game is triggered, wherein: (i) upon triggering the bonus game, the meter is at an initially displayed predetermined level, and (ii) each time a change of the meter occurs during the bonus game, the change is of an amount which is determined based on the selected different second component of the wager for the play of the base game and regardless of the total wager value of the wager placed and any outcome which occurs in the play of the base game.

As discussed during the interview, in Brune, each time a change of the meter occurs, the amount by which the bonus meter changes is determined based on a percentage of the total wager placed. For example, if a \$5.00 wager is placed, Brune increments the bonus meter by 5% of the total \$5.00 wager place, or 25 cents.

In the Response to Arguments section on page 9 of the Office Action, the Office Action asserts that Brune clearly shows that the amount by which the meter changes is based on the second component of the wager, since the second component of the wager is a major part of the total wager placed in Brune. The Office Action states that, if

the second component of the wager is the amount wagered per line, the total wager is based on the amount wagered per line. However, as illustrated in the example above, in determining the amount by which the meter will change, Brune utilizes the value of the total wager (i.e., \$5.00) placed to determine the amount.

Thus, Brune does not disclose a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to, if the player selects at least a threshold amount for the first component of the wager for the play of the base game and the displayed outcome for the play of the base game includes a designated outcome, trigger a bonus game associated with a meter displayed in the bonus game, the meter being changeable after the bonus game is triggered, wherein: (i) upon triggering the bonus game, the meter is at an initially displayed predetermined level, and (ii) each time a change of the meter occurs during the bonus game, the change is of an amount which is determined based on the selected different second component of the wager for the play of the base game and regardless of the total wager value of the wager placed and any outcome which occurs in the play of the base game. Therefore, Brune does not remedy the deficiencies in Piechowiak.

In the gaming device of amended independent Claim 1, on the other hand, the plurality of instructions, when executed by the at least one processor, cause the at least one processor to each time a change of the meter occurs during the bonus game, the change is of an amount which is determined based on the selected different second component of the wager for the play of the base game and regardless of the total wager value of the wager placed and any outcome which occurs in the play of the base game. Expanding on the Office Action's example in which the second component of the wager includes an amount wagered per payline, if a player playing the gaming device of amended independent Claim 1 places a wager in the base game by selecting three paylines and selecting a wager amount per payline of five credits, the wager placed has a total wager value of fifteen credits. If the bonus game is triggered, the amount by which the meter changes is determined based on the wager amount per payline (i.e., five credits), without regard to the total wager value of fifteen credits. That is, the gaming device utilizes the five-credit value representing the amount wagered per

payline, and not the fifteen-credit total wager value, to determine what the amount of the change of the meter will be.

For at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over Piechowiak and Brune.

For reasons similar to those given above, Applicant respectfully submits that amended independent Claims 16 and 21 and the claims depending therefrom are each patentably distinguished over Piechowiak and Brune.

The Office Action rejected Claim 6 under 35 U.S.C. § 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,186,894 to Mayeroff. Applicant respectfully submits that the patentability of amended independent Claim 1 renders this rejection moot.

The Office Action rejected Claims 7 and 8 under 35 U.S.C. § 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 5,823,873 to Moody. Applicant respectfully submits that the patentability of amended independent Claim 1 renders this rejection moot.

The Office Action rejected Claim 9 under 35 U.S.C. § 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,089,976 to Schneider. Applicant respectfully submits that the patentability of amended independent Claim 1 renders this rejection moot.


The Office Action rejected Claims 15, 20, and 25 under 35 U.S.C. § 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,155,925 to Giobbi. Applicant respectfully submits that the patentability of amended independent Claims 1, 16 and 21 renders this rejection moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: February 24, 2009